REMARKS

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Ohsawa and further in view of Blakeney

This rejection is respectfully traversed.

With regard to Ohsawa (U.S. 6,440,634), it has an effective date of August 15, 2000, which is its U.S. filing date.

However, there is submitted herewith the Rule 131 Declaration of Applicants, establishing conception of the present invention prior to the August 15, 2000 effective date of the reference coupled with diligence leading to the filing of Applicants' Japanese priority application 2000-264529 on August 31, 2000.

Further, the attached Rule 131 Declaration establishes an actual reduction to practice prior to the August 15, 2000 effective date of the Ohsawa reference.

A certified copy of Applicants' Japanese priority application is already of record and a verified English translation is submitted herewith.

Further, as to Blakeney, it discloses a photoresist composition formulated with a novolak as the base binder resin and teaches nothing of the claimed method in which the photoresist composition is of the chemical-amplification type which is very different from the positive working photoresists in Blakeney.

In view of the very great difference between types of the photoresist compositions in Blakeney and the other references i.e. chemical amplification photoresists in Ohsawa, the motivation to combine these references to arrive at the present invention can only be based on hindsight i.e. the rejection is based on an improper hindsight reconstruction of the present invention from Applicants' disclosure.

On page 3, paragraph 5, of the Official Action, claims 1 and 5-10 are rejected as obvious over Oomori in view of Watanabe on the ground that the deficiency of Oomori due to the absence of a polyvinyl ether compound can be remedied by the disclosure in Watanabe.

In reply, the improvement relative to the thermal flow behavior of a patterned resist layer of the present invention cannot be expected by a combination of the teachings in Oomori and

Watanabe because of the difference in the types of the base resins in Watanabe and in the present invention. Thus, component (A) in claim 1 is a combination of two different resins (A1) and (A2), each substituted for hydroxystyrene-OH groups by different acid-labile functional substituent groups, while the base resin in Watanabe is essentially a polyhydroxystyrene resin having no such combination of the resins.

Since the thermal flow behavior of a patterned resist layer is a matter of rheological behavior of a crosslinked resin at an elevated temperature, which naturally is affected by the types of resin, one skilled in the art would not be motivated, without benefit of Applicants' disclosure in this application, to mix the photoresist composition of Oomori with a polyvinyl ether compound taught by Watanabe, even if they were desirous of improving the thermal flow behavior of a patterned resist layer, because these references are each silent on the thermal flow process and the polyvinyl ether compound is used in Watanabe for merely increasing the crosslinking density.

Accordingly the rejections on prior art are untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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